

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 7201**

**BILL NUMBER:** HB 1148

**DATE PREPARED:** Dec 28, 2000

**BILL AMENDED:**

**SUBJECT:** Physical Therapists.

**FISCAL ANALYST:** Chris Baker

**PHONE NUMBER:** 232-9851

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill amends practices that are prohibited for a physical therapist. The bill also requires that a physical therapist adhere to the profession's standard of ethics. It provides that certain restrictions apply if a person goes to a physical therapist without a referral, including the following: (1) The physical therapist must refer the person to a physician if 30 days have elapsed since the person's initial visit to any physical therapist for the same condition. (2) The physical therapist may not render a medical diagnosis. The bill allows a physical therapist to subsequently treat a previously referred patient for the same condition. The bill also makes conforming amendments.

**Effective Date:** July 1, 2001.

**Explanation of State Expenditures:** There may be costs associated with the printing of forms and other informative materials regarding these changes. These costs can be absorbed within the Health Professions Bureau budget.

**Explanation of State Revenues:** There are several new provisions in the bill that would constitute a Class B misdemeanor if a violation were to occur.

Current statute requires a referral from a licensed physician, podiatrist, psychologist, chiropractor, or dentist for a person to practice physical therapy. This bill eliminates this requirement and specifies other conditions on the practice of physical therapy. Violation of these new provisions would constitute a Class B misdemeanor. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class B misdemeanor is \$1,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**Explanation of Local Expenditures:** A Class B misdemeanor is punishable by up to 180 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

**Explanation of Local Revenues:** If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Health Professions Bureau, Physical Therapy Committee.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**